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Filing date: **02/18/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191056
Party	Defendant Franciscan Vineyards, Inc.
Correspondence Address	JOHN M RANNELLS BAKER & RANNELLS PA 575 ROUTE 28, SUITE 102 RARITAN, NJ 08869-1354 UNITED STATES jmr@br-tmlaw.com
Submission	Defendant's Notice of Reliance
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Signature	/john rannells/
Date	02/18/2011
Attachments	91191056 notice corrected.pdf ( 5 pages )(242037 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X  
White Rock Distilleries, Inc.

Opposer

v.

Franciscan Vineyards, Inc.

Applicant  
-----X

**Opposition No. 91191056**

Mark: PINNACLES RANCHES

Serial No.: 77/598674

APPLICANT'S CORRECTED FIRST NOTICE OF RELIANCE  
PURSUANT TO 37 CFR §2.122(d)(2) and/or (e)

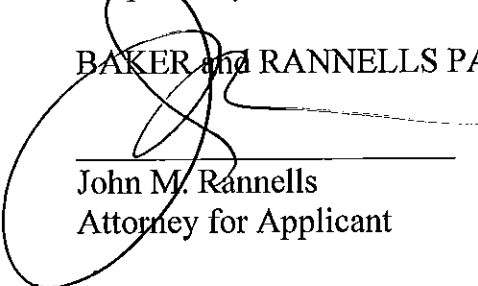
Please take notice that Applicant, Franciscan Vineyards, Inc. ("Applicant"), pursuant to 37 CFR §2.122(d)(2) and/or (e) is hereby noticing its reliance on the following:

Official Records of the U.S. Patent and Trademark Office, namely a certified copy of Reg. No. 997,378 for the mark PINNACLES for "wine" owned by Applicant which was prepared and issued by the United States Patent and Trademark Office showing both the current status of (i.e., "Live" and "renewed") and current title (i.e., Applicant) to the registration. A copy of the referenced certified copy of Reg. No. 997,378 is annexed hereto.

The registration is relevant to the issue of the distinctiveness of Applicant's PINNACLES RANCHES mark and to said mark's function as a trademark.

Respectfully submitted,

BAKER and RANNELLS PA

  
\_\_\_\_\_  
John M. Rannells  
Attorney for Applicant

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**CERTIFICATE OF SERVICE**

I hereby certify a copy of the foregoing APPLICANT'S FIRST NOTICE OF RELIANCE PURSUANT TO 37 CFR §2.122(d)(2) in re: *White Rock Distilleries, Inc. V. Franciscan Vineyards, Inc.*, Opposition No. 91191056 was served on counsel for Applicant, this 18<sup>th</sup> day of February, 2011 by sending same via First Class Mail, postage prepaid, to:

Daniel I. Schloss  
Greenberg Traurig, LLP  
200 Park Avenue, 34th Floor  
New York, NY 10166

DATED: February 18, 2011



John M. Rannells



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

February 03, 2011

THE ATTACHED U.S. TRADEMARK REGISTRATION 997,378 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *November 05, 1974*  
*2nd* RENEWAL FOR A TERM OF 10 YEARS FROM *November 05, 2004*  
SECTION 8

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED  
SAID RECORDS SHOW TITLE TO BE IN:

*FRANCISCAN VINEYARDS, INC.*  
*A DELAWARE CORPORATION*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



  
E. BORNETT

Certifying Officer

Int. Cl.: 33

Prior U.S. Cl.: 47

Reg. No. 997,378

United States Patent and Trademark Office

Registered Nov. 5, 1974

Amended

OG Date Apr. 10, 2001

TRADEMARK  
PRINCIPAL REGISTER

PINNACLES

FRANCISCAN VINEYARDS, INC. (DELA-  
WARE CORPORATION)  
P.O. BOX 407  
RUTHERFORD NAPA VALLEY, CA  
94573, ASSIGNEE OF PAUL MASSON,  
INC. (CALIFORNIA CORPORATION),  
DBA PAUL MASSON VINEYARDS,  
SARATOGA, CA

FOR: WINE, IN CLASS 33 (U.S. CL.  
47).

FIRST USE 5-12-1971; IN COMMERCE  
5-12-1971.

SER. NO. 73-006,890, FILED 11-20-1973.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Apr. 10, 2001.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. CL: 33

Prior U.S. CL: 47

**United States Patent Office**

Reg. No. 997,378  
Registered Nov. 5, 1974

**TRADEMARK**  
Principal Register

**PINNACLE**

Paul Masson, Inc. (California corporation), doing business as Paul Masson Vineyards  
13150 Saratoga Ave.  
Saratoga, Calif. 95070

For: WINE, in CLASS 33 (U.S. CL. 47).  
First use May 12, 1971; in commerce May 12, 1971.

Ser. No. 6,890, filed Nov. 20, 1973,

L. STRICKMAN, Examiner